

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
VICENTE E. MESA ECHEVARRIA,

Plaintiff,

against

STEVE BRANDES, et al.

Defendants.

CIVIL ACTION NO.: 19 Civ. 10268 (PAE) (SLC)

ORDER FOR PROPER SERVICE

SARAH L. CAVE, United States Magistrate Judge.

Plaintiff filed the complaint in this matter on November 5, 2019. (ECF No. 2). Federal Rule of Civil Procedure 4(m) provides that service must be made within 90 days after the complaint is filed, and service must be made in accordance with the Rule 4.

Per the Court's Order at ECF No. 7, Plaintiff was to effect service on defendants by March 27, 2020. No evidence of service was filed on the docket, and Plaintiff was ordered to file proof of service by May 1, 2020. On April 30 and May 7, 2020, Plaintiff filed documents indicating that he served by certified mail the summons and complaint on Defendants Steve Brandes and Laura Rolo. (ECF Nos. 10–11). Because mailing the summons and complaint by certified mail does not constitute proper service under Federal or New York rules, the Court ordered Plaintiff to properly effect service by July 27, 2020. (ECF No. 12).

On July 27, 2020, Plaintiff submitted a letter stating that on July 16, 2020 he served defendants by hand delivering the Summons and Complaint to the front desk of the Department of Urology at New York Presbyterian Hospital. (ECF No. 13). However, this also does not constitute proper service because service cannot be made by a party to the action. See Fed. R. Civ. P. 4(c)(2); N.Y. C.P.L.R. §2103 (a).

Accordingly, by **September 4, 2020** Plaintiff must properly serve Defendants or risk having this suit dismissed. This will be the last extension of time to serve the Summons and Complaint on Defendants.

The Court notes that there is a legal clinic in the Southern District of New York to assist parties in civil cases who do not have lawyers. The Clinic is run by a private organization called the New York Legal Assistance Group; it is not part of or run by the Court and it cannot accept filings on behalf of the Court. The Clinic is located at the Thurgood Marshall United States Courthouse, 40 Centre Street, Room LL22, New York, New York 10007, which is just inside the Pearl Street entrance to the Courthouse. **As a public health precaution, the New York Legal Assistance Group's Legal Clinic for Pro Se Litigants has temporarily suspended all in-person client meetings. Limited scope legal assistance will continue to be provided, but only by appointment and only over the phone. If you need the assistance of the clinic, please call 212-659-6190 and leave a message, including your telephone number, and someone will get back to you as soon as possible.**

The Clerk of Court is respectfully directed to mail a copy of this Order to the Plaintiff at the below address.

Dated: New York, New York
August 4, 2020

SO ORDERED


SARAH L. CAVE
United States Magistrate Judge

Mail To: Vicente E. Mesa Echevarria
469 W. 163rd St., Apt. 5E
New York, NY 10032